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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,475	10/15/1999	BARRY MARKWITZ	6002-11	1318

7590

08/26/2003

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EXAMINER

TSAL, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/419,475

Applicant(s)

MARKWITZ ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2857

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. In view of the Appeal Brief filed on 07/08/2003, PROSECUTION IS HEREBY REOPENED. The Office Action with the new ground(s) of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S.

Patent No. 5,166,499 to Holland et al.

Holland et al. disclose a computer program product for use with a data processing system for monitoring and evaluating guard patrols of one or more sites, the computer program product comprising: (a) a computer usable medium including: (1) computer readable program code means embodied in the medium (bar code reader 36 shown on Figs. 1 and 2) for gathering information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 1, line 57 to col. 2, line 5 and col. 3, line 45 to col. 4, line 49); (2) computer readable program code means embodied in the medium for detecting when the gathered information is ready to be downloaded into the data processing system (see Fig. 14 and col. 9, lines 4-19); (3) computer readable program code means embodied in the medium for downloading the gathered information into the data processing system (see Fig. 1 and col. 3, lines 55-66); and (b) computer readable program code means (report generating software 22 shown on Fig. 1) for printing one or more reports to a printer of the information obtained from one or more checkpoints during a guard patrol, reports comprising customization selected from the group consisting of logos, cover sheets, photographs, detailed headings, watermarks, bitmaps, drawings, illustrations, trademarks and patrol statistics (see Tables 1-3; Figs. 14 and 15; col. 2, line 67 to col. 3, line 24; and col. 9, line 20 to col. 10, line 15).

As to claim 37, Holland et al. also disclose a computer program product for use with a data processing system for monitoring and evaluating guard patrols of one or more sites, the computer program product comprising: (a) a computer usable medium including: (1) computer readable program code means embodied in the medium (bar code reader 36 shown on Figs. 1 and 2) for gathering information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 1, line 57 to col. 2, line 5 and col. 3, line 45 to col. 4, line 49); (2)

Art Unit: 2857

computer readable program code means embodied in the medium for detecting when the gathered information is ready to be downloaded into the data processing system (see Fig. 14 and col. 9, lines 4-19); (3) computer readable program code means embodied in the medium for downloading the gathered information into the data processing system (see Fig. 1 and col. 3, lines 55-66); and (b) computer readable program code means for downloading gathered information into the data processing system independently of the computer program product (see Fig. 1 and col. 3, lines 60-66).

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the

Application/Control Number: 09/419,475

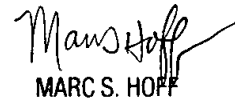
Page 5

Art Unit: 2857

examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

08/13/03



MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800